

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 14-2127

In re: NICHOLAS JAMES QUEEN, SR.,

Petitioner.

On Petition for Writ of Mandamus
(No. 1:93-cr-00366-WMN-1)

Submitted: February 19, 2015

Decided: March 2, 2015

Before WILKINSON, MOTZ, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Nicholas James Queen, Sr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Nicholas James Queen, Sr., petitions this court for a writ of mandamus, seeking an order vacating a criminal judgment. We dismiss the petition.

Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); United States v. Moussaoui, 333 F.3d 509, 516-57 (4th Cir. 2003). Further, mandamus is available only when the petitioner has a clear right to the relief sought. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). The relief Queen seeks is unavailable by way of mandamus.

We deny leave to proceed in forma pauperis and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED